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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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March 24, 2010

The Honorable Eric H. Holder  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder,

I write to urge the Department of Justice to appeal a ruling that could set free a dangerous terrorist once considered the "highest value detainee" at Guantanamo Bay.<sup>1</sup>

According to reports, on Monday U.S. District Court Judge James Robertson granted a petition for habeas corpus filed by Guantanamo Bay detainee Mohamedou Ould Slahi. According to the 9/11 Commission Report, Mr. Slahi was "well known" to U.S. and German intelligence,<sup>2</sup> was "a significant al Qaeda operative,"<sup>3</sup> and recruited 9/11 hijackers including Mohamed Atta, the "operational leader" of the 9/11 attacks.<sup>4</sup> Those who conducted the Pentagon's investigation into detainee abuse at Guantanamo Bay have stated that Mr. Slahi was "the highest value detainee" at the facility and that he was "the key orchestrator of the al Qaeda cell in Europe."<sup>5</sup>

I urge the Justice Department to appeal this ruling. The obvious dangers of allowing such a high level operative to go free cannot be overstated. It should not be forgotten that Mr. Slahi recruited the very individual who led the 9-11 attacks, in which nearly 3000 innocent civilians lost their lives.

<sup>1</sup> Jess Bravin, "Key Gitmo Detainee Ordered Released," *Wall Street Journal*, March 22, 2010, available at <http://online.wsj.com/article/SB20001424052748704841304575138013356640710.html> (last visited March 23, 2010).

<sup>2</sup> National Commission on Terrorist Attacks Upon the United States, "9/11 Commission Report," July 24, 2004, at 165.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 166, 437.

<sup>5</sup> *Supra* note 1.

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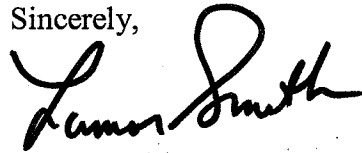
It is certainly possible, if not likely, that Mr. Slahi will reengage in efforts to commit terrorist attacks against innocent Americans if allowed to go free. This ruling clearly puts the American people in danger and should not be allowed to stand.

The primary responsibility of any Administration is to protect the American people. As such, the Justice Department has no choice but to immediately appeal this ruling. Any other action is a dereliction of this duty and puts the American people at risk.

In order to assist the Committee in its oversight responsibilities I request a briefing on this matter. I also request that a copy of Judge Robertson's classified opinion be made available for Members and appropriately cleared staff for review.

Thank you for your attention to this matter and I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Lamar Smith". The signature is fluid and cursive, with a large loop at the end of the last name.

Lamar Smith  
Ranking Member

cc: The Honorable John Conyers, Jr.